

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA

Tony O'Brien Davis,)	
)	C/A No. 4:14-1763-BHH-TER
Plaintiff,)	
)	ORDER
vs.)	
)	
Officer Robertson, Officer McElveen,)	
Captain Brunson, Medical Personnel, and)	
Lt. Gaymon)	
)	
Defendants.)	
_____)	

This case is before the Court because of Plaintiff's failure to comply with the magistrate judge's Order of May 14, 2014, ECF No. 6, and because of Plaintiff failure to provide the Court with an updated address.

A review of the record indicates that the magistrate judge ordered Plaintiff to submit items (service documents) needed to render this case into proper form within twenty-one days, and specifically informed Plaintiff that if he failed to do so, this case would be dismissed without prejudice. The Court has not received any response from Plaintiff, but the mail in which the Order was sent to Plaintiff at the address provided when the case was filed was returned as "undeliverable." Other notations on the returned envelope indicate that Plaintiff is no longer at the Florence County Detention Center, which is the only address that Plaintiff provided when he filed this case.

Plaintiff's failure to provide the Court with an updated address upon his release from detention center custody indicates an intent to not continue prosecuting this case, and subjects this case to dismissal. See Fed. R. Civ. P. 41(b)(district courts may dismiss an action if a Plaintiff fails

to comply with "any order of the court."); see also Chandler Leasing Corp. v. Lopez, 669 F.2d 919, 920 (4th Cir. 1982)(court may dismiss sua sponte).

Accordingly, this case is dismissed without prejudice. The Clerk of Court shall close the file.¹

IT IS SO ORDERED.

August 15, 2014
Columbia, South Carolina

s/Bruce Howe Hendricks
The Honorable Bruce Howe Hendricks
United States District Judge

¹Under General Order, Misc. No. 3:07-5014-JFA, this dismissal without prejudice does not count as a "strike" for purposes of the "three strikes" provision of 28 U.S.C. § 1915(g). If Plaintiff wishes to bring this action in the future, he may obtain new forms for doing so from the Clerk's Office in Columbia (901 Richland Street, Columbia, South Carolina 29201).